

Message Text

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ACTION ACDA-10

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FM USMISSION GENEVA

TO SECSTATE WASHDC 8617

INFO ALL SEABED TREATY REVIEW POSTS

UNCLAS SECTION 1 OF 3 GENEVA 5202

E.O. 11652: NA

TAGS: PARM CCD

SUBJ: SEABED ARMS CONTROL TREATY REVIEW CONFERENCE: EIGHTH
PLENARY MEETING, JUNE 14, 1977

1. SUMMARY: DURING ITS PLENARY MEETING ON JUNE 24, THE SEABED ARMS CONTROL TREATY REVIEW CONFERENCE CONDUCTED AN ARTICLE-BY-ARTICLE REVIEW OF THE TREATY. JAPANESE AND INDIAN PROPOSALS RELATING TO VERIFICATION (ARTICLE III) PRODUCED CONSIDERABLE CONTROVERSY. THE USSR, JORDAN, INDIA, YUGOSLAVIA, AND CYPRUS CALLED FOR THE REVCON'S FINAL DOCUMENT TO INCLUDE AN APPEAL TO STATES TO BEGIN NEGOTIATIONS ON FURTHER SEABED ARMS CONTROL MEASURES, PURSUANT TO ARTICLE V. ON THE QUESTION OF WHEN AND HOW THE NEXT REVCON WOULD BE CONVENED (ARTICLE VII), DELS EXPRESSED DIFFERING VIEWS BUT THE DEBATE INDICATED AWARENESS OF THE NEED FOR COMPROMISE. IN REGARD TO THE TREATY'S THEORETICAL IMPLICATIONS FOR TERRITORIES DEMILITARIZED UNDER OTHER AGREEMENTS (I.E., GREEK ISLANDS IN THE AEGEAN), THERE WERE SEVERAL LOW-KEY BUT DEEPLY-FELT EXCHANGES BETWEEN GREEK AND TURKISH REPS. END SUMMARY.

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2. BEGINNING THE SEABED ARMS CONTROL TREATY REVIEW CONFERENCE'S CONSIDERATION OF INDIVIDUAL ARTICLES, TURKISH REP (SUAT BILGE) PROPOSED THAT THE FOLLOWING UNDERSTANDING IN RELATION TO ARTICLE I (BASIC PROHIBITION) BE INCLUDED IN THE REVCON'S FINAL DOCUMENT: QUOTE THE UNDERTAKINGS OF PARAGRAPH ONE OF ARTICLE I OF THE

TREATY SHALL ALSO APPLY TO THE SEABED ZONE REFERRED TO IN THE SAME PARAGRAPH OF A TERRITORY UNDER DEMILITARIZED STATUS. UNQUOTE. IN REPLY, GREEK REP (METAXAS) STATED THAT THE QUESTION OF DEMILITARIZED TERRITORIES RELATES TO OTHER TREATIES, NOT THIS ONE; THAT THE TREATY CLEARLY SPECIFIED THE OBLIGATIONS OF PARTIES; THAT THE TURKISH PROPOSAL IS NOT MERELY AN INTERPRETATION BUT AMOUNTS TO A MODIFICATION OF THE TREATY'S PROVISIONS; AND THAT IT THUS DOES NOT BELONG WITHIN THE PURVIEW OF THE REVCON.

3. ROMANIAN REP (TUDOR) STATED THAT BECAUSE OF A LACK OF INFORMATION MOST STATES PARTIES ARE NOT IN A POSITION TO JUDGE THE FAITHFUL OBSERVANCE OF ARTICLE I, AND TO REMEDY THIS SITUATION HE PROPOSED THAT THE FINAL DOCUMENT CONTAIN LANGUAGE INVITING THE UN TO CONSIDER WAYS AND MEANS IN ORDER TO FACILITATE COLLECTION, ASSESSMENT, AND DISSEMINATION OF INFORMATION RELATED TO THE SEABED TREATY.

4. IN REGARD TO ARTICLE II (DEFINITION OF THE 12-MILE SEABED ZONE EXEMPT FOR THE COASTAL STATE FROM THE TREATY'S PROHIBITION), ITALIAN REP (DI BERNARDO) STATED THAT THE REVCON SHOULD EXPRESS THE OPINION THAT THE LEGAL REGIME RESULTING FROM THE LAW OF THE SEA NEGOTIATIONS WILL NOT IN ANY WAY AFFECT OR ALTER THE RIGHTS AND OBLIGATIONS DERIVING FROM THE SEABED TREATY. NETHERLANDS AND TURKISH REPS SUPPORTED THE ITALIAN PROPOSAL.
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5. ROMANIAN REP (TUDOR) DECLARED THAT ARTICLE II IS ESPECIALLY IMPORTANT TO DEVELOPING STATES BECAUSE OF THEIR SOVEREIGN RIGHTS OVER THE COASTAL ZONE, AND THAT THE FINAL DOCUMENT SHOULD INCLUDE LANGUAGE GUARANTEEING THE RIGHTS OF DEVELOPING STATES. REFERRING TO THE LAW OF THE SEA NEGOTIATIONS, INDIAN REP (GHAREKHAN) PUSHED THE ROMANIAN PROPOSAL ONE STEP FURTHER, CALLING FOR LANGUAGE STATING THAT NOTHING IN THE SEABED TREATY WOULD AFFECT OR MODIFY THE RIGHTS OF SOVEREIGN STATES IN THE TERRITORIAL SEA OR ECONOMIC ZONE.

6. ON VERIFICATION (ARTICLE III), JAPANESE REP (SAWAI) STATED THAT REFERRING A QUESTION TO THE SECURITY COUNCIL SHOULD BE A LAST RESORT AND THAT, AS IN THE ENVIRONMENTAL MODIFICATION (ENMOD) CONVENTION, AN INTERMEDIATE INVESTIGATIVE BODY WOULD BE DESIRABLE. HOWEVER, IF THE REVCON DETERMINES THAT A CONSULTATIVE COMMITTEE OF PARTIES IS NOT FEASIBLE FOR THE SEABED TREATY, JAPAN WOULD NOT INSIST ON ITS ORIGINAL PROPOSAL. INSTEAD, JAPAN WOULD PROPOSE THAT THE WORKING OF ARTICLE III(5), "APPROPRIATE INTERNATIONAL PROCEDURES WITHIN THE FRAMEWORK OF THE

UNITED NATIONS AND IN ACCORDANCE WITH ITS CHARTER," BE INTERPRETED TO INCLUDE THE GOOD OFFICES OF THE UNSYG TO PROVIDE ASSISTANCE IN CARRYING OUT VERIFICATION ACTIVITIES, WHEN SO REQUESTED BY STATES PARTIES.

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INFO ALL SEABED TREATY REVIEW POSTS

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7. REPS OF NETHERLANDS, SWEDEN, DENMARK, ICELAND, CANADA, GHANA, JORDAN AND ROMANIA MADE REMARKS BASICALLY SUPPORTIVE OF THE JAPANESE PROPOSALS. REPS OF UK (ASHE) AND US (SLOSS) CALLED FOR A CLOSE LOOK AT THE EXISTING PROVISIONS OF ARTICLE III, DECLARING THAT THEY CONTAIN ENOUGH INHERENT FLEXIBILITY TO BE RESPONSIVE TO JAPANESE CONCERNS, IF THE PRACTICAL NEED EVER ARISES.

8. INDIAN REP (GHAREKHAN) DECLARED THAT THE VERIFICATION PROVISIONS OF ARTICLE III ARE ADEQUATE, AND THAT WHAT IS SUITABLE FOR THE ENMOD CONVENTION IS NOT NECESSARILY APPROPRIATE FOR THE SEABEDS TREATY.

9. USSR REP (ISSRAELYAN) EXPRESSED STRONG OPPOSITION TO BOTH JAPANESE PROPOSALS, STATING THAT THERE CANNOT BE ANY STANDARD APPROACH TO VERIFICATION PROVISIONS, AND THAT EVERY TREATY REQUIRES FORMULATIONS SPECIFICALLY TAILORED TO ITS PARTICULAR CASE. THE SEABED TREATY'S VERIFICATION PROVISIONS ARE THE PRODUCT OF INTENSIVE NEGOTIATIONS AND SIGNIFICANT COMPROMISES, AND HAVE NEVER SHOWN THEMSELVES TO BE INADQUATE; IN THE CASE OF
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THE ENMOD CONVENTION THE STATE OF TECHNOLOGY AND THE NATURE OF THE PROHIBITION MAKE A CONSULTATIVE COMMITTEE DESIRABLE, BUT THIS IS NOT TRUE OF THE SEABEDS TREATY. AS FOR THE SUGGESTION TO MENTION THE GOOD OFFICES OF THE UNSYG, THAT INTERPRETATION WOULD BE TANTAMOUNT TO AN AMENDMENT, AND WOULD NOT ENTIRELY COMPATIBLE WITH THE UNSYG'S DUTIES AND OBLIGATIONS. THE PROVISIONS OF ARTICLE III, THE SOVIET REP CONCLUDED, ARE FULLY IN HARMONY WITH THE NEEDS AND OBLIGATIONS OF THE TREATY.

10. INDIAN REP (GHAREKHAN) COMMENTED ON THE PRACTICAL IMPORTANCE OF ARTICLE III(6) TO DEVELOPING COUNTRIES, ASSERTING THAT WITH REGARD TO VERIFICATION ACTIVITIES IN THE 200-MILE EXCLUSIVE ECONOMIC ZONE BEING DISCUSSED IN THE LAW OF THE SEA NEGOTIATIONS, THE PERMISSION OF THE COASTAL STATE MUST BE OBTAINED IN ADVANCE. NETHERLANDS REP (MEERBURG) DISPUTED THIS POINT, SAYING THAT THIS INTERPRETATION WOULD SIGNIFICANTLY WEAKEN THE TREATY.

11. ON ARTICLE IV (DISCLAIMER OF AFFECT ON OCEAN AND SEABED CLAIMS), TURKISH REP (SUAT BILGE) PROPOSED THE FOLLOWING LANGUAGE FOR THE REVCON'S FINAL DOCUMENT: QUOTE ARTICLE IV OF THIS TREATY SHALL ALSO APPLY TO OBLIGATIONS ASSUMED BY STATES PARTIES TO THE TREATY EMANATING FROM INTERNATIONAL INSTRUMENTS ESTABLISHING DEMILITARIZED ZONES UNQUOTE. GREE REP (METAXAS) RETORTED THAT THE QUESTION OF DEMILITARIZED TERRITORIES MUST BE LOOKED AT IN ITS PROPER CONTEXT.

12. PURSUANT TO ARTICLE V (CONTINUANCE OF NEGOTIATIONS), JORDAN, INDIA, YUGOSLAVIA, CYPRUS, AND THE USSR CALLED FOR LANGUAGE IN THE FINAL DOCUMENT APPEALING TO STATES TO BEGIN NEGOTIATIONS ON FURTHER SEABED ARMS CONTROL
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MEASURES. SWEDISH REP (SANDSTROM) OBSERVED THAT PREPARING ADEQUATE INFORMATION ON RELEVANT TECHNOLOGICAL DEVELOPMENTS IS NECESSARY BEFORE PRODUCTIVE NEGOTIATIONS CAN BEGIN.

13. WITH REGARD TO ESTABLISHING A METHOD FOR CONVENING THE NEXT REVCON (ARTICLE VII), REPS OF JORDAN (SADI) AND SWITZERLAND (BINDSCHEDLER) ADVOCATED SPECIFYING THAT THE NEXT REVCON BE HELD IN 1982. REPS OF NETHERLANDS (MEERBURG), YUGOSLAVIA (MIHAJLOVIC), SWEDEN (SANDSTROM),

AND ROMANIA (TUDOR) MENTIONED THE NEED FOR SOME FLEXIBILITY AND TO REACH A COMPROMISE FORMULATION.

14. JORDANIAN REP (SADI) EXPRESSED DISSATISFACTION WITH THE WITHDRAWAL CLAUSE (ARTICLE VIII), SAYING THAT THE THREE-MONTH TIME PERIOD PRIOR TO WITHDRAWAL SHOULD BE LENGTHENED. NETHERLANDS REP (MEERBURG) DISAGREED, SAYING THAT WITHDRAWAL HAS TO BE CONNECTED WITH EXTRA-ORDINARY EVENTS RELATED TO THE SUBJECT MATTER OF THE TREATY, AND THAT THIS IS A SUFFICIENT BARRIER TO WITHDRAWAL. UK REP (ASHE) SUPPORTED THE DUTCH VIEW, STATING THAT SOME SUCH WITHDRAWAL PROVISION IS ESSENTIAL WHEN THE SUPREME INTERESTS OF STATES PARTIES ARE AT STAKE.

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15. WITH REGARD TO ARTICLE IX (DISCLAIMER OF AFFECT ON OBLIGATIONS ARISING FROM NUCLEAR-WEAPON-FREE ZONES), TURKISH REP (SUAT BILGE) PROPOSED THE FOLLOWING INTERPRETATIVE LANGUAGE: QUOTE THE PROVISIONS OF THIS TREATY SHALL IN NO WAY AFFECT THE OBLIGATIONS ASSUMED BY STATES PARTIES TO THE TREATY UNDER INSTRUMENTS ESTABLISHING DEMILITARIZED ZONES. UNQUOTE. IN THIS INSTANCE THERE WAS NO GREEK REJOINDER.

16. THERE WERE NO COMMENTS MADE WITH REGARD TO ARTICLES VI (AMENDMENTS), X (SIGNATURE, RATIFICATION, ACCESSION), OR XI (AUTHENTIC LANGUAGES).

17. THE REVCON PLENARY SCHEDULED THE DRAFTING COMMITTEE'S ORGANIZATIONAL MEETING FOR THE AFTERNOON OF JUNE 24, AND SET NOON ON JUNE 27 AS THE DEADLINE FOR SUBMISSION TO THE DRAFTING COMMITTEE OF PROPOSALS RELATING TO THE TREATY'S OPERATIVE ARTICLES. THE NEXT PLENARY MEETING WAS SCHEDULED FOR THE MORNING OF JUNE 27, AND WILL BEGIN WITH A CONSIDERATION OF THE PREAMBLE. SORENSON

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Message Attributes

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